

In re Patent Application of:  
**FOX ET AL.**  
Serial No. **09/500,108**  
Filing Date: **2/8/00**

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**REMARKS**

Claims 1-36 remain in this application. Claims 1, 7, 13, 19, 25, and 31 have been amended. No claims have been cancelled.

Applicants thank the Examiner for the detailed study of the application and prior art.

At the outset, Applicants also reinsert the government contract clause to ensure its inclusion into the specification.

Also, Applicants note that an Information Disclosure Statement and PTO-1449 form was filed in this application on July 26, 2004. The Office Action mailed February 3, 2005 did not include the initialed copy of the PTO-1449 form indicating that the Examiner had considered the Information Disclosure Statement. Applicants submit with this Amendment a copy of the PTO-1449 form, the Information Disclosure Statement document, and a copy of the return postcard indicating that the Patent Office had received the IDS. Applicants request an initialed copy for their records to complete the file.

Applicants also note the rejection of claims 1, 2, 4, 6, 7, 8, 10, 12, 13, 14, 16, 18, 19, 20, 22, 24, 25, 29, 31 and 35 as anticipated by U.S. Patent No. 5,699,403 to Ronnen and the other claims as obvious over Ronnen in view of U.S. Patent No. 5,751,965 to Mayo et al. (hereinafter "Mayo") or Ronnen in view of U.S. Patent No. 5,787,235 to Smith et al. (hereinafter "Smith").

The Examiner notes that Ronnen discloses a method for assessing the security posture of a network by creating a system object model database that represents the network and supports information data requirements of disparate network

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vulnerability analysis programs and exporting this database to the programs. This is followed by analyzing the network to produce the data results from each program and correlating the data results to determine the security posture of the network.

At the outset, Applicants have amended all independent claims to place the case in condition for allowance. Applicants note that the present Amendment amends the claims to stress that the network vulnerability/risk analysis programs used for analyzing a network are separate and non-integrated. This is distinct and opposite from Ronnen, which specifically discloses integrated programs that are not separate from each other and are formed as application modules that address specific operational needs of telephone users. The Ronnen software modules are integrated in a common communications backplane, which is the software equivalent of a bulletin board as clearly set forth in Ronnen at column 3, starting at line 24. As noted, the different communications among these integrated modules occur through the backplane (e.g., the platform modules and the application modules) and are initiated when the requesting software entity posts a request on the backplane. The backplane identifies the address entity and passes the request to it.

Ronnen also specifically notes another benefit of the platform, i.e., a new module can be added to the system by "plugging" a new module into the software backplane without affecting any other application module (column 3, lines 38-42).

Applicants stress that the present Amendment now sets forth the separate, non-integrated software programs, which are operative as risk analysis tools. Each software

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program as claimed is typically a single vendor solution that addresses particular aspects of risk and could fall into various categories, such as categories set forth on page 3 of the specification. Each of these tools are typically from different vendors (although the same vendors are possible) and typically are commercial off-the-shelf (COTS) software programs, each operative as a single computer network analysis program. These programs are each separate, non-integrated programs that work as stand-alone programs. The system object model database represents the network.

This system object model database supports the information data requirements of the separate, non-integrated network vulnerability analysis programs. This system object model database of the network is exported to the separate, non-integrated network vulnerability/risk analysis programs, which analyze the network and produce data results from each separate program. These data results from the separate and non-integrated programs are correlated to determine the security posture of the network. As set forth in dependent claims and in further aspects of the invention, this data can be fused together with fuzzy logic processing.

One of the aspects of these claimed separate and non-integrated programs is that the programs were never intended to integrate and collaborate with other programs for a common purpose, but only had end goals. Thus, it is clear that the claimed invention as set forth in this Amendment is opposite from Ronnen, which clearly discloses the use of integrated modules that are specifically designed to work together in a software (or hardware) backplane and communicate

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with each other in the backplane as clearly set forth in column 3.

Applicants also note that the combination of Ronnen and Mayo or Ronnen and Smith do not disclose or suggest the claimed invention as now set forth in this Amendment. At most, Mayo suggests the use of a graphical user interface as a network modeled map, but directed to network management of connections to other relationships among entities making up a communications network. In Mayo, the conditions of the relationship can be color coded. These conditions could be indicative of an operational status, a faulty status, an unknown status, a disabled status, or a not communicating status. Nowhere does Mayo suggest the assessing of a security posture of a network and especially the use of separate, non-integrated network vulnerability/risk analysis programs. Mayo teaches opposite and suggests a graphical user interface as operative with coordinated devices and not separate, non-integrated programs as set forth in this Amendment.

As to Smith, it is directed to a fuzzy logic-based evidence fusion tool for network analysis, and more particularly, for predicting function levels of a switch in a telecommunications network. A fuzzy map is established with a confidence factor for a switch and a degree of truth for each rule at a functional level of the switch. It is established by applying a set of fuzzy evidence fusion rules and determining the maximum combined confidence factor and assigning to the switch a function level corresponding to the maximum competence level.

At most, Smith would suggest in combination with Ronnen the assignment of different function levels for the

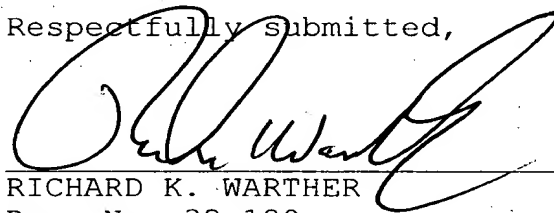
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coordinated programs that are integrated through the backplane of Ronnen. Again, as with Mayo, Smith teaches opposite from the claimed invention.

Applicants submit that the present case is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance and Issue Fee Due. If the Examiner has any questions or suggestions for placing this case in condition for allowance, the undersigned attorney would appreciate a telephone call.

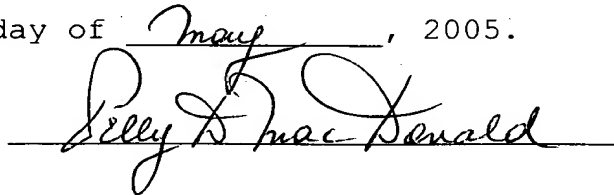
Respectfully submitted,

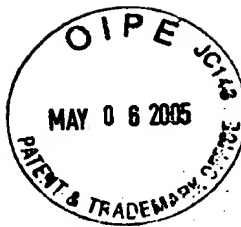


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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450**, on this 3<sup>rd</sup> day of May, 2005.

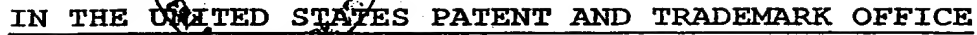




SERIAL/PATENT NO. 09/500,108 FILED/ISSUED 2-8-00  
APPLICANT Fox et al.  
KINDLY ACKNOWLEDGE RECEIPT OF ACCOMPANYING PAPERS WITH YOUR MAIL ROOM STAMP.

\$ \_\_\_\_\_ check  
☒ Authorization - Deposit Account No. 08-0870  
\_\_\_\_ Utility application \_\_\_\_\_ Provisional application  
\_\_\_\_ pages, \_\_\_\_\_ claims, \_\_\_\_\_ drawing sheets  
\_\_\_\_ CPA transmittal \_\_\_\_\_ Continuation transmittal  
\_\_\_\_ RCE transmittal \_\_\_\_\_ Divisional transmittal  
\_\_\_\_ Certificate of Express Mail Label No.: Supplemental  
☒ Declaration ~~and~~ Power of Attorney 1.13P  
\_\_\_\_ Assignment w/Cover Sheet  
\_\_\_\_ Change of Correspondence Address  
☒ Response to Notice to File Missing Parts + copies JUL 28 2004  
☒ Citation Under 37 CFR § 1.97 (IDS)  
☒ Form PTO-1449 + copies of cited references  
\_\_\_\_ Response to Restriction Requirement  
\_\_\_\_ Response to Election Requirement  
\_\_\_\_ Amendment Transmittal Form  
☒ Amendment (Official Action of 5-4-04)  
\_\_\_\_ Request for Extension of Time (\_\_\_\_ mos.)  
\_\_\_\_ Notice of Appeal  
7/26/04 51045 Harris RKW  
DATE FILE NO. ATTORNEY

\_\_\_\_ Appellant's Appeal Brief (x3) - \$320 large entity  
\_\_\_\_ Status Request  
\_\_\_\_ Transmittal of Formal Drawings (\_\_\_\_ sheets)  
\_\_\_\_ Letter to Official Draftsman  
\_\_\_\_ Part B-Issue Fee Transmittal  
\_\_\_\_ Publication Fee Transmittal  
\_\_\_\_ PCT Request (\_\_\_\_ pp.) + Application (\_\_\_\_ pp.)  
\_\_\_\_ National Phase Transmittal Letter  
\_\_\_\_ Response to PCT Invitation to Correct Defects  
\_\_\_\_ Ch. II Demand \_\_\_\_\_ Power of Attorney  
\_\_\_\_ Revocation of Prior Powers of Attorney and POA  
\_\_\_\_ Petition for \_\_\_\_\_ + \$130 Fee  
\_\_\_\_ Terminal Disclaimer  
\_\_\_\_ Request for Correction to Filing Receipt  
\_\_\_\_ Request for Correction to Assignment and/or cover  
\_\_\_\_ Transmittal of Certified Copy of Priority Document  
\_\_\_\_ Preliminary Amendment  
\_\_\_\_ Replacement Drawings (\_\_\_\_ sheets)  
\_\_\_\_ Request Certificate of Correction + PTO 1050  
\_\_\_\_ Substitute specification (w/marked up version)  
\_\_\_\_ Other \_\_\_\_\_



Art Unit: 2131

Attached is a form PTO-1449 listing several references for consideration in the examination of the above-identified application. These prior art references were located by the Examiner in the copending and related application serial no. 09/500,269, filed February 8, 2000, its title listed on page 31 of the detailed description of the present application. A copy of each reference is also enclosed. It is requested that these references be considered by the Examiner and officially made of record in accordance with the provisions of 37 CFR §1.97 and Section 609 of the MPEP.

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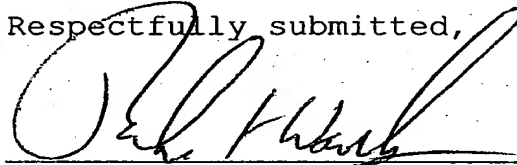
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This submission is made in accordance with the provisions of 37 CFR \$1.97(c). Authorization is hereby given to charge the **\$180.00** processing fee to Harris Corporation Deposit Account No. **08-0870**. If any additional fee is required, please charge Deposit Account No. **08-0870**.

Respectfully submitted,



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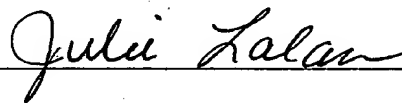
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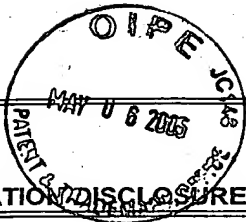
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<b>FORM PTO-1449</b> <b>LIST OF PATENTS AND</b> <b>APPLICANT'S INFORMATION AND DISCLOSURE STATEMENT</b>		
ATTORNEY DOCKET NO.: GCSD-1054 (51045)		
SERIAL NO.: 09/500,108	FILING DATE: February 8, 2000	
APPLICANT: FOX ET AL.	EXAMINER: K. Abrishamkar	ART UNIT: 2131

REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS					
EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING IF APPROPRIATE
	AA	6,298,445	10/2/01	Shostack et al.	713	201	
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						

FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION Yes - No
	AM						
	AN						

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)			
	AO		
	AP		

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; * Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	